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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,119	03/29/2004	Daniel J. Lipscomb	048679-0161	1542
26371	7590	12/16/2005	EXAMINER	
FOLEY & LARDNER LLP 777 EAST WISCONSIN AVENUE SUITE 3800 MILWAUKEE, WI 53202-5308			HEWITT, JAMES M	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/812,119

Applicant(s)

LIPSCOMB ET AL.

Examiner

James M. Hewitt

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 3/29/04, 7/7/04, 8/17/04 & 8/18/05.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/7, 8/17, 8/18</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

The drawings are objected to because: In Figures 3 and 4, numeral '56' is used to reference different components (note paragraph [0024]); in Figures 3 and 4, numeral '58' is used to reference different components (note paragraph [0024]). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the oval-shaped couplers (claim 27) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because on line 2, the phrase “an apparatus for coupling ends of a first hose and a second hose comprising” should be deleted. Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities:

In paragraph [0018] line 5, “43” should be “44”.

In paragraph [0021] line 7, “18” should be “16”.

In paragraph [0024] line 8, the comma should be deleted.

Appropriate correction is required.

Claim Objections

Claims 1-34 are objected to because of the following informalities:

In claim 1 lines 11-12, it seems inaccurate to state that the female coupler can swivel about the second hose via swiveling of the inner ferrule, especially since it seems that swiveling of the female coupler is precluded by the threaded engagement of the female coupler with the male coupler.

In claim 12 line 2, it is unclear as to what the term “cross-dimension” means.

In claim 20 line 2, it is unclear as to how the recited “a hose” and “the hose” relate to the first hose and the second hose recited in claim 1.

In claim 21 lines 10-11, it seems inaccurate to state that the female coupler can swivel about the second hose via swiveling of the inner ferrule, especially since it seems

that swiveling of the female coupler is precluded by the threaded engagement of the female coupler with the male coupler.

In claim 29 line 2, it is unclear as to how the recited "a hose" and "the hose" relate to the first hose and the second hose recited in claim 21.

In claim 30 lines 11-13, it seems inaccurate to state that the female coupler can swivel about the second hose via swiveling of the inner ferrule, especially since it seems that swiveling of the female coupler is precluded by the threaded engagement of the female coupler with the male coupler.

In claim 34 line 2, it is unclear as to how the recited "a hose" and "the hose" relate to the first hose and the second hose recited in claim 30.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-17 and 19-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Macleod (US 3,017,203).

With respect to claim 1, Macleod discloses an apparatus for coupling ends of a first hose and a second hose, comprising: a male coupler (2) configured to attach to the first hose (4); a female coupler (3) having an inner cavity and being configured to attach

to the second hose in the inner cavity by way of a first ferrule assembly, the first ferrule assembly comprising: an outer ferrule (20) positionable on an outside surface of the second hose proximate a first end of the second hose; an inner ferrule (16) positionable on an inside surface of the second hose and configured to rotatably couple with the female coupler so that the inner ferrule may swivel relative to the female coupler thereby enabling the female coupler to be swiveled about the second hose without rotating the second hose; wherein the male coupler and the female coupler are configured to couple to each other.

With respect to claim 2, wherein the inner ferrule is coupled to the female coupler by folding a portion (18) of the inner ferrule over a ridge located in the inner cavity of the female coupler in a manner that allows the inner ferrule to swivel within the female coupler about the ridge.

With respect to claim 3, further comprising an o-ring (23) located in a groove of the inner cavity of the female coupler to provide a seal between (spatially, in the radial direction) the outer ferrule, the inner ferrule, and the inner cavity of the female coupler.

With respect to claim 4, wherein the male coupler comprises an external threaded portion configured to be threadably received within internal threads of the female coupler.

With respect to claim 5, wherein the male coupler has an inner cavity and is configured to attach to the first hose in the inner cavity by way of a second ferrule assembly, the second ferrule assembly comprising: an outer ferrule (12) positionable on an outside surface of the first hose proximate a first end of the first hose; an inner

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ferrule (7) positionable on an inside surface of the first hose and configured to couple with the outer ferrule proximate the first end of the first hose.

With respect to claim 6, wherein the outer ferrule of the male coupler comprises undulations (see figure 8) to couple the outer ferrule of the male coupler to the first hose.

With respect to claim 7, wherein the inner ferrule of the male coupler comprises undulations to couple the inner ferrule of the male coupler to the first hose. In the broadest reasonable sense, the barbs have been interpreted as undulations.

With respect to claim 8, wherein the second ferrule assembly does not swivel with respect to the male coupler.

With respect to claim 9, wherein the outer ferrule of the female coupler comprises undulations (see figure 9) to couple the outer ferrule of the female coupler to the second hose.

With respect to claim 10, wherein the female coupler comprises an ergonomic grip (21) for swiveling the female coupler about the second hose.

With respect to claim 11, wherein the female coupler comprises a handle.

With respect to claim 12, wherein the handle of the female coupler has a length greater than a cross-dimension (thickness) of the handle.

With respect to claim 13, wherein the male coupler comprises an ergonomic grip (11).

With respect to claim 14, wherein the ergonomic grip of the male coupler comprises a handle.

With respect to claim 15, wherein the female coupler comprises a housing having a handle.

With respect to claim 16, wherein the male coupler is coupled to the first hose and the female coupler is coupled to the second hose. Refer to figure 1.

With respect to claim 17, wherein tools are not required to couple the first hose to the second hose by way of the female coupler and the male coupler.

With respect to claim 19, wherein the male coupler and the female coupler are made from metal (brass).

With respect to claim 20, wherein the male coupler is coupled to a first end of a hose and the female coupler is coupled to a second end of the hose. Refer to figure 1.

With respect to claims 21-26 and 28-29, refer to the above rejections of claims 1-5, 8, 16 and 20.

With respect to claims 30-34, refer to the above rejections of claims 1-3 and 20.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macleod (US 3,017,203).

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Macleod fails to teach that the couplers are made of plastic. It would have been obvious to one having ordinary skill in the art at the time the invention was made to form the couplers from plastic, since it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James M. Hewitt whose telephone number is 571-272-7084.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JAMES M. HEWITT
PRIMARY EXAMINER